

# HOUSE . . . . . No. 436

By Mr. Fagan of Taunton, petition of James H. Fagan relative to regulating the retirement benefits of certain public safety employees. Public Service.

## The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

### AN ACT REGULATING THE RETIREMENT BENEFITS OF CERTAIN PUBLIC SAFETY EMPLOYEES.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Subsection (3) of section 21 of Chapter 32 of the  
2 General Laws, as appearing in the 2002 Official Edition, is hereby  
3 amended by inserting after paragraph (f) the following subsec-  
4 tion:—

5 (g) the review and analysis of information required under  
6 section twenty-six A as it relates to the employees contribution  
7 rate changes and benefit changes under said section 26A. Such  
8 analysis shall focus on the contributions made by members and  
9 the normal cost of benefit changes under said section 26A. Begin-  
10 ning January first, two thousand and four and every five years  
11 thereafter, the actuary shall forward to the respective system such  
12 analysis.

1 SECTION 2. Subdivision (1) of section 22 of chapter 32 of the  
2 General Laws, as so appearing, is hereby amended by striking out  
3 paragraph (b) and inserting in place thereof the following para-  
4 graph:—

5 (b) The treasurer or other disbursing officer in charge of payroll  
6 in any governmental unit to which a system pertains, and the trea-  
7 surer or other disbursing officer in charge of payrolls in any free  
8 public library the employees of which are eligible for membership  
9 in a system, shall, upon written notice from the board, withhold  
10 on each pay day five per cent of the regular compensation of each

11 employee who is a member in service of the system, which is  
12 received on such day by such member on account of service ren-  
13 dered by him on or after January 1, 1946, and, not later than the  
14 date of his attaining the maximum age for his group, in the case of  
15 an employee who entered the service of the commonwealth or a  
16 political subdivision thereof prior to January 1, 1975; withhold on  
17 each pay day seven per cent of the regular compensation of each  
18 employee who is a member in service of the system, which is  
19 received on such day by such member on account of service ren-  
20 dered by him on or after January 1, 1975, and not later than the  
21 date of his attaining the maximum age for his group, in the case of  
22 an employee who entered the service of the commonwealth or a  
23 political subdivision thereof on or after January 1, 1975, but prior  
24 to January 1, 1984; and withhold on each pay day eight per cent of  
25 the regular compensation of each employee who is a member in  
26 service of the system, which is received on such day by such  
27 member on account of service rendered by him on or after January  
28 1, 1984, and not later than the date of his attaining the maximum  
29 age for his group, in the case of an employee who entered the  
30 service of the commonwealth or a political subdivision thereof on  
31 or after July 1, 1996; and withhold on each pay day twelve per  
32 cent of the regular compensation of each employee who is a  
33 member of the state police appointed pursuant to section 10 of  
34 chapter 22C, and is a member in service of the system, which is  
35 received on such day by such member on account of service ren-  
36 dered by him on or after July 1, 1996, and not later than the date  
37 of his attaining the maximum age for his group, in the case of  
38 such employee who entered the service of said state police on or  
39 after July 1, 1996; and withhold on each pay day twelve percent  
40 of the regular compensation of each employee who is eligible to  
41 receive benefits provided for pursuant to section 26A; provided,  
42 however, that in the case of any teacher such withholding shall be  
43 made upon written notice from the school committee, board of  
44 trustees or other disbursing officer of the political subdivision by  
45 which such teacher is employed.

1 SECTION 3. Chapter 32 of the General Laws, as so appearing,  
2 is hereby amended by inserting after section 26 the following  
3 section:—

4 Section 26A. (1) As used in this section, the following words  
5 shall, unless the context otherwise requires, have the following  
6 meanings:—

7 “Public Safety Officer” a probation officer; or general or trial  
8 court officer; or a state corrections program officer; or a Univer-  
9 sity of Massachusetts police officer; or an Alcoholic Beverages  
10 Control commission investigator; or a Bureau of Special Investi-  
11 gations investigator; or a social worker employed by the depart-  
12 ment of Mental Health, Forensic division.

13 (2) Any public safety officer employed as of the effective date  
14 of this act shall be retired by the appropriate retirement board  
15 upon his attaining age sixty-five; provided that any such public  
16 safety officer who has performed service as a public safety officer  
17 for not less than twenty years but including creditable service  
18 granted by paragraph (h) of subdivision (1) of section four and  
19 who has not attained the age of sixty-five may elect to retire pur-  
20 suant to the provisions of this subdivision.

21 Any public safety officer employed after the effective date of  
22 this act shall be retired by the appropriate retirement board upon  
23 his attaining age sixty-five; provided that any such public safety  
24 officer who has performed service as a public safety officer for no  
25 less than twenty years but including creditable service granted by  
26 paragraph (h) of subdivision (1) of section four and who has not  
27 attained the age of sixty-five shall be retired pursuant to the provi-  
28 sions of this subdivision.

29 (3) Upon retirement under the provisions of this subdivision, a  
30 member shall receive a retirement allowance to become effective  
31 on the date of his retirement. Payments under such retirement  
32 allowance shall be made as provided for in sections twelve and  
33 thirteen and the normal yearly amount thereof shall be equal to  
34 sixty percent of the average annual rate of his regular compensa-  
35 tion received by such member during any period of three consecu-  
36 tive years of creditable service for which such rate of  
37 compensation was the highest, or on the average annual rate of  
38 regular compensation received by such member during the period  
39 or periods, whether consecutive or not, is constituting his last  
40 three years of creditable service preceding his retirement,  
41 whichever is the greater, provided, that the total amount of the  
42 allowance shall be increased by one-twelfth of three percent for

43 each full month of service in excess of twenty years of service;  
44 provided, however that such retirement allowance shall in no case  
45 exceed seventy-five percent of such regular compensation. Any  
46 such member retired under the provision of this subdivision who  
47 is a veteran as defined in section one shall receive an additional  
48 retirement allowance of fifteen dollars for each year of creditable  
49 service or fraction thereof; provided, that the total amount of said  
50 additional retirement allowance shall not exceed three hundred  
51 dollars in any case.

52 (4) Any provision of sections one to twenty-eight, inclusive,  
53 which are inconsistent with any provisions of this section, shall  
54 not apply to any member so classified under this section; pro-  
55 vided, however, that any member with less than twenty years of  
56 creditable service as a public safety officer upon retirement shall  
57 be retired in accordance with the provisions of paragraphs (a) and  
58 (b) of subdivision (2) of section five of chapter 32, and subject to  
59 the limitations set forth in paragraphs (c) and (d) of said subdivi-  
60 sion (2), and shall be based on such member's age and number of  
61 years and full months of creditable service on the date the retire-  
62 ment allowance becomes effective.

63 (5) The actuary, acting under the provisions of paragraph (g) of  
64 subdivision (3) of section twenty-one, shall require each board to  
65 obtain certain information from each member eligible for the  
66 retirement benefit under this section, including the name, date of  
67 birth, prior contribution rate, date of hire and any other informa-  
68 tion required by the actuary for the purposes of the report required  
69 under said paragraph (g).

1 SECTION 4. Any member of a retirement system who meets  
2 the definition of public safety officer as defined by section  
3 twenty-six A of chapter thirty-two on the effective date of this act  
4 may elect in writing to participate in the alternative public safety  
5 retirement benefit provided under said section twenty-six A within  
6 one hundred eighty days of the date this act takes effect. Any such  
7 election shall become effective on the first day of pay period next  
8 following such election, and shall constitute a waiver of any  
9 retirement benefits provided under section five or section ten of  
10 chapter thirty-two. Any member making such an election shall be  
11 required to make a minimum of three years' of retirement contri-

12 butions at the rate of twelve percent; provided, however, that if  
13 said member chooses to retire before he has made said three years  
14 of contributions at twelve percent, said member shall pay into the  
15 annuity savings fund or have deducted from his retirement  
16 allowance an amount equal to the contributions that would have  
17 been made had such member remained in service for three years at  
18 the rate of regular compensation from which he retired. The elec-  
19 tion by an eligible member to participate in the alternative public  
20 safety retirement benefit provided for under said section twenty-  
21 six A shall be irrevocable.

1 SECTION 5. The additional contributions required under para-  
2 graph (b $\frac{1}{2}$ ) of subdivision (1) of section 22 shall not apply to any  
3 public safety officer as defined by section twenty-six A of said  
4 chapter thirty-two.